

I. Environmental Assessment for Department Administrative Rules Related to the Revision of the Shoreland Management Program

DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

(This decision is not final until certified by the Director of the Bureau of Integrated Science Services.)

In accordance with s. 1.11, Wis. Stats., and Chapter NR 150, Wis. Admin. Code, the Department is empowered to determine whether it has complied with s. 1.11, Wis. Stats.

The attached analysis of Proposed Revisions of chapter NR 115, Wis. Admin. Code, pertaining to the revision of the shoreland management program is of sufficient scope and detail to conclude that this is not a major state action which would significantly affect the quality of the human environment. An environmental impact statement is not required prior to final action by the Department to adopt this rule. This determination was made considering the attached analysis and the following factors:

Environmental Effects

Current statewide minimum standards found in ch. NR 115, Wisconsin's Shoreland Management Program, are only providing minimal protection of two major statutory goals of the program, water quality and wildlife habitat. This rule revision effort has been designed to address the environmental weaknesses in the program while simultaneously including regulations that are driven by common sense, understandable and more easily administrated.

Cumulative Effects

A continuous ribbon of life circles lakes and borders rivers in their natural state. A single project may not bring a riparian ecosystem to its knees, but the cumulative impacts of all of our projects incrementally weaken that ribbon of life. As roads and houses creep into shoreland areas the behavior, reproduction and survival of animals can be affected as human activities and structures impact the surrounding wildlife habitat and resulting water quality.

To address the cumulative impacts of today's development and allow riparian owners reasonable use of their shoreland properties, numerous changes are being proposed to the state's shoreland management program. With the implementation of the proposed modifications to ch. NR 115, the cumulative effects on the environment will be positive and development will be guided to preserve or restore the very aspect that makes waterfront living so desirable.

Risk or Uncertainty

While the regulations in ch. NR 115 continue to provide statewide minimum standards, it is unclear whether they will be adequate for all water resources to achieve the statutorily mandated water quality, habitat and aesthetic goals of the program. Counties will continue to be able to identify areas where the minimum standards may be inadequate and to develop regulations that work more effectively to protect the water resources in a particular geographic area. Therefore, on a county by county basis, local units of government will be able to act proactively to develop more specific standards for the protection of water quality, wildlife habitat and natural scenic beauty.

Precedent

Promulgation of this rule will not prevent a local unit of government from implementing more resource protective measures to guide shoreland development. Several counties have moved forward and classified the water resources in the county and developed resulting shoreland zoning ordinances based on this classification system. It is our intention that these types of initiatives will be able to continue with minimal modifications to reflect modifications to the statewide minimum standards.

The revised ch. NR 115 also contains several areas where the county can choose to utilize a different mechanism for regulation than proposed in the rule. For this new provision, the Department would need to

review and approve county developed initiatives to guarantee that they will be at least as protective as the method proposed in ch. NR 115.

Controversy

There continues to be controversy over the proposed rule. Due to the distinct nature of the public trust versus private property rights, there will probably always be a debate over zoning rules and regulations to protect water quality and wildlife habitat. Just like in general zoning there are debates of a similar nature related to subdivision regulations, noise, odor, and other issues. The rule revision process has taken almost three years, involved a highly diverse and well represented advisory committee, gathered additional detail through five issue specific workgroups with additional affected parties at the table, added a public participation step with listening sessions and then accepted comment on five individual drafts of the rule before requesting permission for formal public hearings. The rule will probably never be able to be satisfy everyone. However, the revision is a major step in the right direction, clarifying several gray areas, using common sense and concepts that will work in the “real world,” allowing local innovation to continue and balancing the protection of water quality and wildlife habitat with the needs and wants of today’s riparian owners.

Richard Wedepohl, Section Chief
Shoreland and Floodplain Management.

Date

Toni Herkert, Evaluator

Date

Russell A. Rasmussen, Director
Bureau of Watershed Management

Date

Certified to be in compliance with WEPA

Director, ISS (or designee)

Date

II. History and Background

In 1997, a study by the Department found that the current minimum standards in ch. NR 115 are only providing minimal protection of water quality and wildlife habitat. The study concluded that to meet the statutory objectives of the program, improved minimum standards are needed for shoreland zoning ordinances.¹

In addition, counties across the state have expressed frustration with the current minimum standards found in ch. NR 115. The concerns of counties with existing standards include:

- Standards are too vague or undefined, preventing consistent application across the state.
- Standards do not provide enough direction to allow counties to amend their ordinances, requiring considerable interpretation from Department staff.
- Standards are inflexible, discouraging counties to adopt innovative regulatory programs.

Property owners have also expressed frustration with the current minimum standards, including:

- The “50% rule” for nonconforming structures is not equitable.
- In certain situations, reduced setbacks or improvements to nonconforming structures should not require a variance.

In response to inadequacies identified in the current minimum standards in ch. NR 115, Wis. Admin. Code, and the concerns raised by county staff and property owners, a 28-member advisory committee was formed by the Department to help guide proposed changes in the rule. Please refer to Attachment 1 for a summary of the rule revision activities and Attachment 2 for advisory committee membership information.

The NR 115 Advisory Committee met eight times between November 2002 and November 2003 to discuss issues surrounding shoreland development and to identify areas of concern. The NR 115 Advisory Committee worked with the Department to develop initial concepts for proposed changes to ch. NR 115, Wis. Admin. Code.

Initial meetings of the advisory committee reviewed scientific research and legal perspectives on shoreland development. The remainder of the meetings focused on specific issues related to shoreland management – setbacks and buffers, nonconforming structures, and development density.

In the summer of 2003, the Department, with support and participation by the Advisory Committee, decided to convene five work-groups to flesh out remaining issues in the Revision. The five work-groups, agriculture, alternative development, forestry, recreational areas and urbanized waters, each met a number of times in person or via phone conference and/or e-mail to discuss pertinent issues. Each work-group was led by a Department staff member involved in the revision process and the membership included Advisory Committee representatives and other affected or interested parties in specialized fields related to the subject matter. Please refer to attachment 3 for work-group membership information.

In November and December of 2003, the initial recommendations of the NR 115 Advisory Committee were taken to eight listening sessions around the state to gather public comments. This was an extra step the Department chose to take to ensure public participation throughout the revision process. Over 1300 comments were received during the listening session comment period.

Based on the statutory objectives of the program, initial recommendations from the advisory committee, and public comments, the Department drafted a first copy of proposed changes to ch. NR 115, Wis. Admin. Code. Up until this point, the advisory committee and the public were responding to concepts. Beginning in May 2004, the NR 115 Advisory Committee met five times and reviewed five drafts of proposed changes to ch. NR 115, Wis. Admin. Code.

The Dam Safety/Floodplain/Shoreland Section of the Bureau of Watershed Management was the Department’s primary participant in the rule-development process. The Runoff Management Section of the Bureau of Watershed Management, the Bureau of Fisheries Management and Habitat Protection, and the Bureau of Integrated Science Services were consulted on and support the provisions on shoreland buffers,

¹ Bernthal, T. October 1997. Effectiveness of Shoreland Zoning Standards to Meet Statutory Objectives: A Literature Review with Policy Implications. Wisconsin Department of Natural Resources.

water quality improvement structures, wildlife and fisheries habitat improvement structures, and impervious surfaces. The Land Management Section of the Bureau of Facilities and Lands was consulted on and supports the campground and public access sites provisions.

Attached to this document is the Summary of Rule Revision Activities (Attachment 1), NR 115 Advisory Committee Membership (Attachment 2), and NR 115 Work Group Membership (Attachment 3).

III. Proposal Description

A. Proposal objectives

The revision of ch. NR 115, Wis. Admin. Code, was initiated because the Department had concluded that the current minimum standards were not achieving the statutory objectives of the program. Section 281.31 (1), Wis. Stats., provides that shoreland subdivision and zoning regulations shall “further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.”

It is the responsibility of the Department, in the discharge of its mandate under ss. 59.692 and 281.31, Wis. Stats., to require county shoreland zoning ordinances to adhere to specific standards and criteria for navigable water protection. Section 281.31, Wis. Stats., provides that:

“Such standards and criteria shall give particular attending to safe and healthful conditions for the enjoyment of aquatic recreation; the demands of water traffic, boating and water sports; the capability of the water resource; requirements necessary to assure proper operation of septic tank disposal fields near navigable waters; building setbacks from the water; preservation of shore growth and cover; conservancy uses for low lying lands; shoreland layout for residential and commercial development; suggested regulations and suggestions for the effective administration and enforcement of such regulations.”

The Shoreland Management Program is also a key component in the fulfillment of the Department’s responsibility to uphold Wisconsin’s Public Trust Doctrine. Under the Public Trust Doctrine, Wisconsin’s lakes and rivers are public resources, owned in common by all Wisconsin citizens. While it was once primarily interpreted to protect public rights to transportation on navigable waters, the Public Trust Doctrine has been broadened to protect public rights to water quality and quantity, recreational activities, and scenic beauty.²

Wisconsin law recognizes that owners of lands bordering lakes and rivers - "riparian" owners - hold rights in the water next to their property. These riparian rights include the use of the shoreline, reasonable use of the water, and a right to access the water. However, the Wisconsin State Supreme Court has ruled that when conflicts occur between the rights of riparian owners and public rights, the public’s rights are primary and the riparian owner’s secondary.²

The primary objective of this rule revision was to develop standards that satisfy both the statutory objectives of Shoreland Management Program, as well as the Department’s responsibility to all citizens under the Public Trust Doctrine. However, as mentioned in the History and Background section, other equally important goals of the revision effort were to address concerns raised by counties regarding amending and administering shoreland zoning ordinances, and to address concerns raised by property owners regarding the regulations of nonconforming structures.

B. Key Studies, assumptions or policies

The concept of revising the Shoreland Management Program stemmed from several objectives noted above. A key assumption that initiated the revision process was that existing standards were not adequately achieving the statutory objectives of the program. Key studies that helped shape the proposal are listed below. This is not exhaustive list of studies referenced, but a compilation of some of the key references used.

² Quick, John. 1994. “The Public Trust Doctrine in Wisconsin.” Wisconsin Environmental Law Journal, Vol. 1, No. 1.

- Bernthal, T. 1997. Effectiveness of Shoreland Zoning Standards to Meet Statutory Objectives: A Literature Review with Policy Implications. Madison, WI: Wisconsin Department of Natural Resources.
- Christensen, D., B. Herwig, D. Schindler, and S. Carpenter. 1996. "Implications of Lakeshore Residential Development on Coarse Woody Debris in North Temperate Lakes." Ecological Applications. Vol. 6, No. 4.
- Engel, S. and J. Pederson, Jr. 1998. The Construction, Aesthetics, and Effects of Lakeshore Development: A Literature Review. Wisconsin Department of Natural Resources, Research Report 177.
- Ferguson, B. K. 1998. Introduction to Stormwater: Concept, Purpose, Design. New York: John Wiley & Sons, Inc.
- Fischer, R. and J. Fischenich. 2000. Design Recommendations for Riparian Corridors and Vegetated Buffer Strips. US Army Engineer Research and Development Center, ERDC TN-EMRRP-SR-24.
<http://www.wes.army.mil/el/emrrp/pdf/sr24.pdf>
- France, R. L., ed. 2002. Handbook of Water Sensitive Planning and Design. New York: Lewis Publishers.
- Graczyk, D., Hunt, R., S. Greb, S. Buchwald, and J. Krohelski. 2003. Hydrology, Nutrient Concentrations, and Nutrient Yields in Nearshore Areas of Four Lakes in Northern Wisconsin, 1999 – 2001. U.S. Geological Survey.
- Haycock, N., T. Burt, K. Goulding, and G. Pinay. 1997. Buffer Zones: Their Processes and Potential in Water Protection.
- Jennings, M., M. Bozek, G. Hatzenbeler, D. Fago, K. Schmude, K. Otis, R. Piette, R. Kahl, R. Hay, R. Sonntag, J. Coke, R. Chenowith, and T. Kapper. 1996. Shoreline Protection Study: A Report to the Wisconsin State Legislature. Wisconsin Department of Natural Resources, PUBL-RS-921-96.
- Johnson, A.W. and D. M. Ryba. 1992. A Literature Review of Recommended Buffer Widths to Maintain Various Functions of Stream Riparian Areas. King County Surface Water Division.
- Konkel, D., S. Borman, and K. Voss. 1997. The Effect of Shoreline Use on the Aquatic Plant Communities of West Central Wisconsin Lakes. Wisconsin Department of Natural Resources.
- Krysel, C., E. Marsh Boyer, C. Parson, and P. Welle. 2003. Lakeshore Property Values and Water Quality: Evidence from Property Sales in the Mississippi Headwaters Region. Mississippi Headwaters Board and Bemidji State University.
- Litton, R., R. Tetlow, J. Sorenson and R. Beatty. 1974. Water and landscape: an aesthetic overview of the role of water in the landscape. Port Washington, NY: Water Information Center, Inc.
- Schueler, T. R. 2000. "The Importance of Imperviousness." The Practice of Watershed Protection. Center for Watershed Protection.
- Wang, L., J. Lyons, P. Kanehl, and R. Gatti. 1997. "Influences of Watershed Land Use on Habitat Quality and Biotic Integrity in Wisconsin Streams." Fisheries: Bulletin of the American Fisheries Society. Vol 22, No. 6.
- Wenger, S. 1999. A Review of the Scientific Literature on Riparian Buffer Width, Extent and Vegetation. Athens, GA: Office of Public Service and Outreach, Institute of Ecology, University of Georgia.
http://outreach.ecology.uga.edu/tools/buffers/lit_review.pdf
- Yanggen, D. and J. Kusler. 1968. "Natural Resource Protection through Shoreland Regulation: Wisconsin." Land Economics.

C. Major provisions and new requirements

Major provisions of the proposal include changes to vegetation management in the primary shoreland buffer and changes to regulation of nonconforming structures. New requirements include minimum lot size and density requirements for multi-unit residential development, mobile home parks, and campgrounds; two formulas to calculate reduced shoreland setbacks; a wetland buffer during land disturbing activities; an impervious surface standard; and mitigation standards. A brief description of the proposal follows.

Section NR 115.09 – Land division review

- The requirement for land division review is changed from the creation of “3 or more lots” to the creation of “one or more lots” to ensure that all new lots created meet minimum lot size requirements. This standard was added to protect prospective property owners and ensure that all lots have a buildable area.
- If new lots are created that are divided by a stream or river, one side of the lot must meet minimum lot size requirements and density standards. No portion of a lot or parcel divided by a navigable stream may be developed unless that portion of the lot or parcel meets or is combined to meet the minimum lot size requirements and density standards. This provision will ensure that development only take place on lots or parcels which meet minimum lot size requirements, again safeguarding property owners.
- Counties may adopt standards to regulate substandard lots in common ownership.

Section NR 115.11 – Lot size and development density

- Minimum lot size and density standards for single-family or duplex residential uses have not been changed.
- Minimum lot size and density standards are established for multi-unit residential development, mobile home parks, campgrounds, and other types of uses.
- Counties may request the approval of an alternative regulation for campgrounds that is different than the minimum standards in NR 115. Counties utilizing this option must demonstrate how the alternative regulation would achieve the statutory purposes of the program.
- Counties are granted the flexibility to regulate keyhole lots.
- New lot width measurement is developed which will accommodate irregular shaped lots.
- Counties are granted the flexibility to regulate backlots in the shoreland zone.
- Outlots may be created as part of a subdivision plat or certified survey map.
- Counties may request the approval of standards for alternative forms of development with reduced lot sizes and development densities for planned unit developments, cluster developments, conservation subdivisions, and other similar alternative forms of development if they include, at a minimum, a required shoreland setback of more than 75 feet and a larger primary buffer than is required in s. NR 115.15(2).

Section NR 115.13 – Shoreland setback

- Language is added to address structures exempted by other state or federal laws from the shoreland setback standards.
- Provisions are added to allow counties to exempt 15 types of structures from the shoreland setback, an increase from 3 exempted structures.
- The construction of new dry boathouses is prohibited.
- Standards are established to qualify a lot for a reduced setback and two methods of calculating the reduced setback are provided. Counties may also request approval of an alternative setback reduction formula, demonstrating how the alternative is as effective in achieving the purposes of ss. 281.31 (1) and (6), Stats.

Section NR 115.15 – Shoreland vegetation

- Language governing management of shoreland vegetation in the primary shoreland buffer is improved, resulting in a more functional buffer protecting habitat and water quality.
- Tree and shrubbery pruning is allowed. Removal of trees and shrubs may be allowed if exotic or invasive species, diseased or damaged, or if an imminent safety hazard, but must be replaced.
- Provisions are added to allow counties to exempt 7 types of activities from the shoreland vegetation provisions.
- A formula to calculate the vegetative buffer mitigation requirements for existing multiple-unit developments was added to proportionately mitigate based on the intensity of the project.

- A formula for the width of access corridors is provided, replacing the “30 feet in any 100 feet” provision, which was confusing if a lot had less than 100 feet of frontage.
- Existing lawns may be maintained indefinitely in the primary shoreland buffer, unless a property owner decides to initiate one of 5 actions that require restoration of the primary shoreland buffer.

Section NR 115.17 – Impervious surfaces

- Best management practices must be implemented and maintained that, to the maximum extent practicable, result in no increase in storm water discharge from impervious surfaces.
- If a project results in a lot being covered with 20 percent or more impervious surfaces, the shoreland buffers must be preserved or restored in compliance with the standards in NR 115.15 (applies only to lots with lands within 75 feet of the ordinary high-water mark.)

Section NR 115.19 – Land disturbing activities

- An erosion control and revegetation plan is required for land disturbing activities to minimize erosion and sedimentation cause by the activity.
- A county permit is required for land disturbing activities in the shoreland zone if the project includes 2,000 square feet or more of land.
- Counties shall exempt from the permit requirement activities that have already received permits from other identified permitting authorities.
- Counties may require a wetland buffer to minimize the impacts of land disturbing activities to prevent damage to wetlands.

Section NR 115.21 – Nonconforming uses and structures

- The “50% rule” is removed, and a standard for the regulation of nonconforming structures based on the location and size of structures is used.
- Unlimited ordinary maintenance and repairs is allowed on nonconforming structures.
- Structural alterations are allowed on nonconforming structures if mitigation is implemented as specified by the county.
- Expansion and replacement of nonconforming accessory structures is prohibited, unless located in a campground or mobile home park, and certain standards are satisfied.
- Expansions of nonconforming principal structures is allowed if the structure is set back at least 35 feet from the ordinary high-water mark, if the footprint cap is not exceeded, if mitigation is implemented as specified by the county and if other standards are met.
- Replacement of nonconforming principal structures is allowed on the existing foundation anywhere within the shoreland setback area, and on new foundations if the structure is set back at least 35 feet from the ordinary high-water mark, if mitigation is implemented as specified by the county, and if other standards are met.
- Replacement of nonconforming principal structures is prohibited if the structure has no foundation, the foundation extends below the ordinary high-water mark, or the structure extends over the ordinary high-water mark.
- Counties shall adopt a mitigation system that is roughly proportional to the impacts of activities proposed.

Other key requirements are further identified in the Background Memo.

D. Exemptions provided by this proposal

The proposal provides exemptions to some of the standards. Most exemptions are left to county discretion, if all of the applicable conditions are satisfied; however, the proposal does include some required exemptions resulting from other state or federal laws.

Section NR 115.13 – Shoreland setback

The following structures are exempted from the shoreland setback required by other state or federal laws, if all of the applicable conditions are satisfied:

- Open-sided and screened structures (s. 59.692 (1v), Wis. Stats.)
- Fishing rafts on the Wolf River and Mississippi River (s. 30.126, Wis. Stats.)
- Satellite dishes and antennas (47 CFR 1.4000 and 25.104)
- Reasonable accommodations for disabled persons (federal Americans with Disabilities Act and Fair Housing Act, and Wisconsin Open Housing Law)

Counties may exempt the following structures from the shoreland setback requirement if all of the applicable conditions are satisfied:

- Structures that are regulated under ch. 30 or 31, Wis. Stats.
- Walkways, stairways, and lifts
- Signs and flagpoles
- Water quality improvement structures
- Wildlife and fisheries habitat improvement structures
- Erosion control structures
- Marine fuel dispensing systems
- Structures associated with public access sites
- Roads and driveways
- Structures associated utilities
- Agricultural, captive wild animal, and open fences
- Sidewalks, and steps and landings at entrances of buildings
- Public walkways

Section NR 115.15 – Shoreland vegetation

The following activities are exempt from the shoreland vegetation standards if all of the applicable conditions are satisfied:

- Agricultural practices and maintenance of farm drainage ditches
- Forest management activities
- Natural areas management activities
- Dam and levee maintenance activities
- Utility maintenance activities
- Road intersection and driveway line-of-sight maintenance activities
- Temporary access to project sites

Section NR 115.19 – Land disturbing activities

Counties shall exempt from the land disturbance permit requirement any land disturbing activity that:

- The Department under ch. 30, Wis. Stats., or ch. NR 216, Wis. Admin. Code, has already granted a permit.
- A permit has been issued at a residential construction site under the uniform dwelling code in compliance with s. Comm 21.125, Wis. Admin. Code
- A notice of intent has been reviewed and approved by the Department of Commerce for a commercial construction site in compliance with s. Comm 61.115, Wis. Admin. Code.

IV. Affected Environment

A. Physical and biological environments affected by this proposal

This proposal will affect most of Wisconsin's water resources, which include more than 50,000 miles of rivers and streams, more than 15,000 inland lakes, and more 1,017 miles of Great Lakes shoreline. The shoreland zone which falls under the jurisdiction of ch. NR 115, Wis. Admin. Code, is defined in s. 59.692 (1)(b), Wis. Stats., as:

- the area within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, and flowages; and
- the area within 300 feet of the ordinary high water mark of navigable rivers and streams, or to the landward side of the floodplain, whichever distance is greater.

Section 59.692, Wis. Stats., requires the zoning of shorelands on navigable waters by counties in unincorporated areas and by cities and villages in areas annexed after May 7, 1982 and areas incorporated after April 30, 1994.

B. Units of government, industries, organizations and other parties affected by this proposal

Counties will be the primary party affected by the proposed changes in this rule, but the level of that impact would vary county by county. Many counties have already adopted improved shoreland zoning ordinances, facilitated by the Department's Lakes Planning and Management grants. These counties may only need minimal changes to their ordinances to comply with the proposed changes in ch. NR 115. Other counties still have model ordinance language from the 1970s and 1980s in place, and will need to adopt considerable

changes to their ordinances. It is likely in these situations that the counties will once more adopt the model ordinance supplied by the Department.

Shoreland property owners, builders, landscapers and others involved in waterfront activities will be affected once counties amend their ordinances. The public that uses and enjoys Wisconsin's navigable waters will also benefit from the proposal.

V. Environmental Consequences

A. Anticipated impacts on the physical and biological environment

The environmental impact of this proposal will be positive, although the resulting improvement in water quality and fish and wildlife habitat may not be seen for some time. This proposal will set in motion a process of recovery for Wisconsin's water resources while preventing further degradation of lakes, rivers, streams, and wetlands. Direct impacts resulting from the proposal include less sediment, nutrients (phosphorus and nitrogen), and other contaminants washing into water resources.

Longer, indirect impacts will be improvements to fish and wildlife habitat, increased populations of desirable fish species, increased water clarity, more stable stream banks and lake shores, more natural appearing shorelines, and more balanced aquatic ecosystems.

B. Anticipated direct and indirect economic impacts

There will be direct economic impacts as a result of the proposal on the affected parties. Positive economic impacts from cleaner water can be expected in terms of increased recreational and tourism opportunities, improved ecosystem health, enhanced aesthetics, and increased property values. Builders, contractors, building centers, and others can expect additional positive benefits from increased spending on improvements and replacements to nonconforming structures, which are currently limited to 50% of the current equalized assessed value of a structure over the life of the structure, if a county utilizes the "50% rule". Landscapers, nurseries, and garden centers can also expect positive economic impacts as property owners restore primary shoreland buffers along lakes and rivers.

It will cost money on the part of local governments, landowners and developers to implement the proposal, although some of these costs may be offset. For example, cost savings may be realized in decreased permitting costs when projects that may currently require a variance and public hearing could be allowed with a simple administrative permit from county zoning staff.

To help counties defray the cost of ordinance amendments, the proposal allows counties to take up two years to bring their ordinance into compliance. This extended compliance period allows counties to develop their own timetable for amendments, synchronizing the amendments to the county shoreland zoning ordinance with other regularly scheduled ordinance amendments to limit costs related to informational meetings, public notices, and public hearings. Delaying implementation by two years will also allow counties to apply for Lakes Planning grants and River planning grants from the Department to help defray amendment costs.

A fiscal estimate for the proposal was written for the impacts on state agencies and local units of governments and is included in the attachments.

C. Impacts on social or cultural environments, the regional availability of energy or other features not previously addressed

The impacts on social and cultural environments are expected to be positive. Achieving the goal of improved water quality and fish and wildlife habitat for lakes, rivers, streams and wetlands will be an asset to the communities surrounding these water resources by providing increased recreational opportunities, improved aesthetics, gathering places for community events and celebrations or quiet places for reflection.

The Department also considered environmental justice in the analysis of these rules. The Department defines environmental justice as a continuous decision-making process that ensures participation by minority and low income populations in affected areas, along with majority populations, in order to ensure that as an outcome all people receive the benefits of clean, healthy and sustainable environments, regardless of race, national origin, or income. As the rules are implemented, there is an expectation that environmental justice will be considered, both in terms of providing opportunities for participation by low income and

minority populations and of the impacts on these groups. Such impacts might be reducing the health risk of children playing in a polluted neighborhood river, having healthier fisheries available to low-income populations that rely on fish for food, or maintenance of wild rice beds for harvest by native American communities.

The regional availability of energy will be maintained by this proposal by allowing counties to exempt utility structures from shoreland setback requirements and by exempting utility maintenance activities from shoreland vegetation standards.

VI. Alternatives and Their Impacts

A. No Action

The “no action” alternative would be a failure by the Department to meet the statutory objectives of the Shoreland Management Program, and also would be a failure in the Department’s responsibility as a trustee of Wisconsin’s lakes and rivers, as mandated by the Public Trust Doctrine. This alternative would result in maintenance of inadequate minimum standards for shoreland zoning ordinances.

No action would also fail to address concerns with the existing standards raised by counties. Many of the innovative proposals from counties to update their shoreland zoning regulations are not allowed under the current structure of ch. NR 115, Wis. Admin. Code. If counties adopt these innovative techniques, the county and the Department would be open to legal challenges from other parties, for failure to meet the requirements of ch. NR 115, Wis. Admin. Code.

If no action were taken, property owners would also continue to be frustrated with the inability to get permits for improvements to nonconforming structures, and with the cost and delay associated with getting variances.

B. Selection of Different Standards

An advisory committee of affected parties and other stakeholders, along with work groups that focused on very specific issues, developed the proposed rule. Input from the public on the rule proposal was also gathered through listening sessions after the Advisory Committee came to substantial agreement on the core issues in rule revision, but before language changes were proposed to rule. The rule proposal is intended to address the major impacts of shoreland development and provide opportunities to mitigate those impacts, while allowing development to occur.

The Department believes that the provisions of the proposed rule revision represent the most integrated standards needed to address the most significant impacts of shoreland development in a cost-effective manner. Selection of different standards could either have a positive or negative effect on the environment, depending on which standard is selected. Standards that were considered by the Advisory Committee, but not included in the proposal, included establishing a wetland setback, requiring merger of title for nonconforming lots in common ownership, and prohibiting setback averaging, because of potential negative impacts to shoreland property owners.

The standards in the rule proposal were modified and reworked based on comments from Advisory Committee members, private citizens, and representatives of organizations, such as the Wisconsin Campground Owners Association and the Wisconsin Housing Alliance. The resulting proposal reflects, as closely as possible, a substantial agreement position. The rule proposal cannot satisfy all people or groups on all issues. The Department has used extensive public outreach to develop standards based on public input, and believes that the proposal is ready for public hearings.

C. Legislative Alternative: Rely Solely on State Implementation of Standards with No Option for Local Involvement

The proposal shall be implemented and enforced as minimum statewide standards through local ordinances with the state acting as an oversight entity. The alternative of implementing and enforcing the standards at the state level might result in a more consistent approach, but it is unlikely that enough staff resources would be made available for adequate implementation, monitoring, and enforcement. In addition, a statewide approach would remove the aspect of local control and eliminate the potential for counties to develop more protective standards to meet their specific resource needs. As a result, this alternative may be ultimately more detrimental to the environment.

The department intends to prepare a model ordinance to afford some consistency to local governments who wish to adopt the model. Other communities will prefer to use their own ordinance format; however, local adoption and administration of ordinances is expected to result in higher compliance rates as communities work together to develop ordinances that meet the minimum statewide standards, but also meet local resource protection goals. Administration at the local level, rather than the state level, is closer to the source of the issue, driven by local officials and ultimately more acceptable to the regulated community.

VII.EIS Recommendation

The attached analysis of Proposed Revisions and/or Creation of chapter NR 115, Wis. Admin. Code, pertaining to the revision of the shoreland management program is of sufficient scope and detail to conclude that this is not a major state action which would significantly affect the quality of the human environment. An environmental impact statement is not required prior to final action by the Department to adopt this rule. This determination was made considering the attached analysis and the following factors:

A. Environmental effects and their significance

It is the responsibility of the Department, in the discharge of its mandate under ss. 59.692 and 281.31, Wis. Stats., to require county shoreland zoning ordinances to adhere to specific standards and criteria for navigable water protection. Section 281.31, Wis. Stats., provides that:

“Such standards and criteria shall give particular attending to safe and healthful conditions for the enjoyment of aquatic recreation; the demands of water traffic, boating and water sports; the capability of the water resource; requirements necessary to assure proper operation of septic tank disposal fields near navigable waters; building setbacks from the water; preservation of shore growth and cover; conservancy uses for low lying lands; shoreland layout for residential and commercial development; suggested regulations and suggestions for the effective administration and enforcement of such regulations.”

Water Quality

There is no such thing as chemically pure water in nature. In nature, water quality can vary with climate, watershed mineralogy, and materials carried in with precipitation and runoff. As landscapes shift from a “natural” state to a “developed” state, the rain and runoff can carry oils, bacteria, litter, sediment, fertilizers, and foreign chemicals from streets, parking lots, lawns, dumpster pads, and metal roofs. Some 70% of the water pollution in the United States comes from these “nonpoint” sources: the sediment, oils and chemicals that runoff carries from eroding soil, parking lots, and intensely maintained lawns.³ Table 1 summarizes common materials in natural and developed watershed and their roles.

Table 1. Some of the Constituents of Surface Waters.³

Constituent	Source in Nature	Role in Natural Ecosystem	Source of Developed Area Excess	Role of Excess
Sediment	Banks of meandering channels and shorelines	Maintain stream profile and energy gradient; store nutrients	Construction sites; eroding banks	Abrade fish gills; carry excess nutrients and chemical in absorption; block sunlight; cover gravel bottom habitats
Organic Compounds	Decomposing organic matter	Store nutrients	Car oil; herbicides; pesticides; fertilizers	Deprive water of oxygen by decomposition
Nutrients	Decomposing organic matter	Support ecosystems	Organic compounds; organic litter; fertilizers;	Unbalance ecosystems; produce algae

³ Ferguson, B. K. 1998. Introduction to Stormwater: Concept, Purpose, Design. New York: John Wiley & Sons, Inc.

			food waste; sewage	blooms; deprive water of oxygen by decomposition
Trace Metals	Mineral weathering	Support ecosystems	Cars; construction materials; all kinds of foreign chemicals	Reduce resistance to disease; reduce reproductive capacity; alter behavior
Chloride	Mineral weathering	Support ecosystems	Pavement deicing salts	Sterilize soil and reduce biotic growth
Bacteria	Native animals	Participate in ecosystems	Pet animals; dumpsters; trash handling areas	Cause risk of disease
Oil	Decomposing organic matter	Store nutrients	Cars	Deoxygenate water

Polluted runoff results when storm water or snow melt washes across the land and carries contaminants, such as suspended solids, nutrients, heavy metals, pathogens, and other toxic pollutants to surface waters or ground waters. This polluted runoff can destroy fish habitat, cause direct mortality of fish and other wildlife, reduce drinking water quality, clog harbors and streams with sediment and reduce recreational use of lakes and streams. Nutrients, such as phosphorus and nitrogen, while essential for plant and animal growth, can have harmful effects on waterbodies when they are present in excess, resulting in heavy plant and algae growth, including blue-green algae that may pose serious health threats to animals and humans, lead to fish kills, and impair opportunities for boating, fishing and swimming. When the plants and algae die, decomposition of this excess organic matter significantly depletes the oxygen in the water, which degrades the habitat and limits the fish and invertebrate species that can survive. Sediment covers spawning grounds and negatively affects water clarity and the opportunity for fish to find food.

The short-term environmental effects on water quality are expected to be positive. Effects will be seen in localized or site-specific benefits to water quality. The standards are designed to preserve shoreland buffers, set back structures from the water's edge, and reduce runoff from impervious surfaces, resulting in:

- displacement of sediment-producing activities away from surface waters,
- reduction in the velocity of sediment-bearing runoff, allowing sediments to settle out of the runoff and be deposited in the buffer,
- stabilization of banks, preventing shoreline erosion, and
- moderation of water flow, reducing bed scour.

The long term environmental effects on water quality are also expected to be positive. With restoration of shoreland buffers and implementation of best management practices to control stormwater runoff, there will be a reduction in the pollution loading to waters of the state from shoreland development.

Wildlife Habitat

Shorelands provide wildlife habitat by offering foraging and nesting habitat as well as cover for a mix of upland, aquatic and wetland species. Shorelands can also serve as travel corridors for migratory and nomadic, as well as resident, species. Shoreland vegetation protects surface waters and wetlands from temperature fluctuations, which can affect a river's capacity to hold oxygen. The leaf litter and woody debris from trees and shrubs along smaller streams supply most of the energy utilized by creatures within the stream. Woody debris also traps leaf litter, making it available to organisms over a long period of time. Shoreland vegetation also helps stabilize banks, and naturally undercut areas beneath tree roots offer cover for fish, turtles, and other creatures.

Many factors influence the capacity of a buffer to provide wildlife habitat. Several major factors include:

- Landscape position – Buffers can function as both resident (“in-place”) habitat and as travel routes for wildlife. As resident habitat, a buffer's value is supplemented by other habitats to which it

connected. This is important because larger habitat blocks are known to support greater diversity than smaller ones.

- Integrity of the buffer – When buffers become fragmented, the effects can include direct mortality (roadkill), modification of animal behavior, alteration of physical or chemical environments, and introduction of exotic species. The effects of buffer fragmentation can extend into aquatic and wetland habitats by altering hydrology, increasing sedimentation, and introducing pollutants.
- Edge effects – When buffers become fragmented strips between land and water, they may be subject to negative edge effects of predation and parasitism, as well as physical effects such as wind, drying, temperature increase, and blowdown of trees. Edge habitats tend to harbor disproportionate populations of predators such as blue jays, crows, raccoons, skunks, red foxes, and dogs and cats. A “soft” edge that has a gradual transition into upland areas may reduce the negative edge effects. Essentially this means providing a transitional upland buffer to support the shoreland buffer habitat functions more fully.
- Vegetation type – The species of plants in an area generally determine the animals that will occupy an area. Dense stands of evergreen trees, for example, are known for their value as deer wintering areas, and nut-producing trees, such as oak and hickory, provide food for a number of species, including bear, deer, turkey, and squirrels.
- Habitat structure – The structure provided by a shoreland determines which species can use the habitat. Habitat structure includes:
 - Horizontal diversity
 - Vertical diversity
 - Soil qualities
 - Dead standing trees
 - Downed logs
 - Rocks, boulders, cliffs⁴

The short-term environmental effects on wildlife habitat are expected to be positive. Preserving shoreland vegetation, limiting land disturbing activities, setting structures away from the water’s edge, controlling the density of shoreland development and decreasing runoff from impervious surfaces will all help limit impacts of shoreland development.

The long-term environmental effects on wildlife habitat are also expected to be positive; although the improvement in long-term improvement in wildlife will vary with site specific considerations. In areas that are already heavily developed, wildlife habitat is expected to improve as shoreland buffers are restored and shoreland vegetation recovers. In areas that have not yet been developed however, there will be some initial decline in wildlife habitat as areas become developed, but the decline is less than would be expected without any design standards in place to protect critical shoreland wildlife habitat.

Natural Scenic Beauty

The aesthetics of a shoreline may be an intangible concept, but many people often recognize when it has been degraded or lost. In a Minnesota survey, waterfront property owners and lake users cited cabin and home development over 85% of the time as the cause when they perceived a decline in the scenic quality on the lake they used the most. Other activities at the top list that resulted in a decline in scenic quality included installation of docks and boat lifts, and removal of trees and shrubs in the shoreland area.⁵

These man-made elements are often seen as visual intrusions in a natural setting – they “grab” our attention and interrupt or upset the natural character of a setting. In general, landscape aesthetic assessment literature has found that more natural scenes, those in which human presence or activities are relatively less visually apparent, are consistently preferred over scenes where human development is more obvious.

⁴ France, R. L., ed. 2002. Handbook of Water Sensitive Planning and Design. New York: Lewis Publishers.

⁵ Anderson, K. A., T.L Kelly, R. M. Sushak, C.A. Hagley, D.A. Jensen, G. M. Kreag. 1999. Summary Report on Public Perception of the Impacts, Use, and Future of Minnesota Lakes: Results of the 1998 Minnesota Lakes Survey. A joint publication by the University of Minnesota Sea Grant Program (SH 1) and Minnesota Department of Natural Resources, Office of Management and Budget Services.

It is possible however to reduce the obvious nature of man-made elements, especially those which may be prominently located. The contrast between natural and man-made elements can be reduced in a variety of ways, including:

- changing the color to camouflage the structure,
- reducing gloss or reflectivity,
- planting trees and shrubs to screen and shade the structure,
- softening highly visible angularities or structural complexity,
- removing structural elements from ridge lines to reduce the contrast of silhouettes,
- adapting structural forms which reflect the local terrain,
- reducing artificial lighting, and
- keeping clearings and land disturbances to a minimum.⁶

The short-term and long-term environmental effects on natural scenic beauty are expected to be positive. Maintaining or restoring a shoreland buffer, setting structures back from the water's edge, and limiting shoreland land disturbing activities will help preserve the natural beauty of shorelands by preserving shoreland vegetation, and screening structures from the view of people on or across the water.

B. Significance of cumulative effects

When a landowner develops a waterfront lot, many changes may take place including the addition of driveways, houses, decks, garages, sheds, piers, rafts and other structures, wells, septic systems, lawns, sandy beaches and more. Each of these alterations decreases the ability of the shoreland area to serve its natural functions.

Water quality

Compaction of soil, removal of trees and native plants and the addition of impervious surfaces prevent water from soaking into the ground thereby increasing stormwater runoff that carries fertilizers, pesticides and other pollutants to the lakes and streams. A corridor of natural shoreland vegetation traps and filters sediment and debris from runoff. Depending on the size (length and depth) and complexity of the shoreland, 50 to 100% of the solid particles can settle out as plants slow sediment-laden runoff.⁷

Fish and wildlife habitat

Wildlife are attracted to lakes and streams because the essentials of life for many species occur there, including food, water, shelter, and a place to raise their young. The aquatic insect community is an important component of the food chain in streams.⁸ Over 20 years ago researchers found that aquatic insect diversity drops sharply in streams where watershed impervious surface exceeded 10 to 15%.⁹

Fine sediments also affect fish spawning, egg incubation and fry rearing. A study of 47 warm water streams in southeast Wisconsin that found that fish and insect populations decline dramatically when impervious surfaces exceed about 8-10% of the watershed. Streams with more than 12% imperviousness have consistently poor fish communities.¹⁰

A northern Wisconsin study found significant declines on developed shorelines in insect-eating and ground-nesting birds such as loons and warblers, contrasting with increases of seed-eating birds and deciduous-tree nesting birds such as crows and goldfinches.¹¹ In short, "city birds" are favored on

⁶ Litton, R., R. Tetlow, J. Sorenson and R. Beatty. 1974. Water and landscape: an aesthetic overview of the role of water in the landscape. Port Washington, NY: Water Information Center, Inc.

⁷ Wegner, S. 1999. *A Review of the Scientific Literature on Riparian Buffer Width, Extent and Vegetation*. Office of Public Service and Outreach, Institute of Ecology, University of Georgia, Athens, GA. http://greer.ecology.uga.edu/buffer_litreview.pdf

⁸ Center for Watershed Protection. Impacts of Impervious Cover on Aquatic Systems. Watershed Protection Research Monograph No. 1, March 2003, p.93.

⁹ Klein, R. 1979. Urbanization and Stream Quality Impairment. *Water Resources Bulletin*. 15(4):948-963.

¹⁰ Wang, L., J. Lyons, P. Kanehl, R. Bannerman, and E. Emmons 2000. Watershed Urbanization and Changes in Fish Communities in Southeastern Wisconsin Streams. *Journal of the American Water Resources Association*. 36:5(1173-1187); Wang, L., J. Lyons, and P. Kanehl 2001. Impacts of Urbanization on Stream Habitat and Fish Across Multiple Spatial Scales. *Environmental Management*. 28(2):255-266.

¹¹ Lindsay, Alec R., Gillum, Sandra S., Meyer, Michael W. Influence of lakeshore development on breeding bird communities in a mixed northern forest. *Biological Conservation* 107(2002) 1-11.

developed shorelines over other species. Fewer green frogs were found on lakes in northern Wisconsin when the shorelines were developed. Frogs were eliminated from shorelines with 100-foot lots (52 homes per mile).¹²

Economics

When purchasing waterfront property, people inherently value clean water, plentiful wildlife and scenic vistas. A study in Maine found that property values would decline approximately \$10.5 million with a three-foot decline in water clarity, roughly 5% of the total property value.¹³ Each year more than 1.5 million anglers spend 17 million days fishing in Wisconsin. They spend \$1.1 billion directly on fishing related expenses, which generates more than \$2.1 billion in economic activity.¹⁴

Changing one waterfront lot may not result in a measurable change in the quality of the lake or stream. The cumulative effects to water quality, wildlife habitat, and property values, however, can be enormous and long lasting. This is a policy decision that may require continuing education to the regulated community, but certainly one that needs to be weighed heavily when considering the overall health of Wisconsin's lakes and rivers.

C. Significance of risk

When reviewing and updating an administrative rule that is over 35 years old, there are always concerns that the new provisions and regulations may not function as well on the ground as they seem to on paper. The Department in conjunction with a very diverse advisory committee of experts attempted to utilize "real world" models that are currently working in county ordinances. In addition, the Advisory Committee includes three county code administrators who would need to implement the new ch. NR 115 standards and regulations. These members, in consultation with the Wisconsin County Code Administrators Association and the Wisconsin Counties Association, provided comments on areas of the rule thought to be unenforceable, confusing or misleading. Those areas have been addressed in this package.

D. Significance of precedent

Promulgation of this rule is in accordance with Sec. 281.31 Wis. Stats., and will satisfy the Department's statutory responsibility to provide statewide minimum standards for county shoreland zoning ordinances for navigable water protection. Specifically, section 281.31, provides that:

"Such standards and criteria shall give particular attending to safe and healthful conditions for the enjoyment of aquatic recreation; the demands of water traffic, boating and water sports; the capability of the water resource; requirements necessary to assure proper operation of septic tank disposal fields near navigable waters; building setbacks from the water; preservation of shore growth and cover; conservancy uses for low lying lands; shoreland layout for residential and commercial development; suggested regulations and suggestions for the effective administration and enforcement of such regulations."

In addition, the revisions to ch. NR 115 will not prevent a local unit of government from implementing more resource protective measures to guide shoreland development. Several counties have moved forward and classified the water resources in the county and developed resulting shoreland zoning ordinances based on this classification system. It is our intention that these types of initiatives will be able to continue with minimal modifications to reflect modifications to the statewide minimum standards.

The revised ch. NR 115 also contains several areas where the county can choose to utilize a different mechanism for regulation than proposed in the rule. For this new provision, the Department would need to review and approve county developed initiatives to guarantee that they will be at least as protective as the method proposed in ch. NR 115.

¹² Woodford, JE and M. W. Meyer. 2002. Impact of lakeshore development on green frog (*Rana clamitans*) abundance. *Biological Conservation*. 110(2): 277-284; Meyer, Michael, James Woodford, Sandra Gillum, Terry Daulton. 1997.

¹³ Maine Department of Environmental Protection Lake Assessment Program . 2000. More on Dollars and Sense: The Economic Impact of Lake Use and Water Quality.

¹⁴ U.S. Fish & Wildlife Service.1998. *1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, State Overview*.

E. Significance of controversy over environmental effects

There will always be some controversy associated with shoreland zoning. The controversy seems to stem from the property rights movement and the overall general dissatisfaction with zoning as a regulatory tool. The reasons why the opposition to shoreland zoning ordinances and regulations for the protections of water quality, fish and wildlife habitat and natural scenic beauty are not extremely different from objections to general zoning. Basically, some individuals do not think government (in whatever form) should be able to dictate what is appropriate behavior on private property. It is important to note that this is not a specific argument to shoreland zoning, but a more general dislike of the principles of zoning and distrust in government.

Specific to ch. NR 115 and the rule revision process, there will continue to be some controversy surrounding components of the rule that will be discussed during the public hearing phase of the rule revision. The Department will continue to listen and make strides to produce the best rule possible to balance the statutory goals of the program with the understanding that private citizens need to have a certain degree of latitude when developing waterfront properties. Shoreland management is a balancing act, attempting to protect our navigable water resources while respecting the rights of individual landowners. Given the opportunity, the Department can attain this goal.

EA ATTACHMENT 1

SUMMARY OF RULE REVISION ACTIVITIES

Date	Activity Summary
October 16, 2002	NR 115 Advisory Committee Invitation letter mailed
October 22, 2002	Press release: "State Shoreland Protection Standards to be Reviewed"
October 24, 2002	E-mail update sent to ~ 250 people regarding the rule revision process and formation of the Advisory Committee
November 11, 2002	Follow-up letter mailed to NR 115 Advisory Committee members
November 12, 2002	Press release: "Advisory Committee Formed to Update Shoreland Protection Rules"
November 14, 2002	E-mail update sent to ~ 475 people regarding the new NR 115 rule revision web-page
November 21, 2002	First NR 115 Advisory Committee meeting
December 12, 2002	Second NR 115 Advisory Committee meeting
January 21, 2003	E-mail update sent to ~ 600 people regarding Advisory Committee meeting agendas, and research summary on shoreland buffers
January 22, 2003	Press Release: "Committee Considers Shoreland Protection Options"
January 23, 2003	Letter mailed to ~ 25 people regarding Advisory Committee meeting agendas, notes and research summary on shoreland buffers
January 30, 2003	Third NR 115 Advisory Committee meeting
January 31, 2003	Press Release: "State Gets Input on Revising Shoreland Protection Rules"
February 27, 2003	E-mail update sent to ~ 600 people regarding Advisory Committee meetings with shoreland buffers, and nonconforming uses and structures option packages
March 4, 2003	Press Release: "Research Revealing Harmful Effects of Shoreline Development on Fish"
March 17, 2003	Letter mailed to ~ 25 people regarding Advisory Committee meetings with shoreland buffers, and nonconforming uses and structures option packages
March 18, 2003	Press Release: "Shoreland Rule Revision Committee to Address Nonconforming Structures"
March 24 – 25, 2003	Fourth NR 115 Advisory Committee meeting
April 1, 2003	E-mail update sent to ~ 800 people regarding a summary of the March Advisory Committee meeting on nonconforming regulations
April 11 – 13, 2003	Wisconsin Lakes Convention with session providing update on the NR 115 Rule Revision process.
May 1, 2003	Letter mailed to ~ 35 people regarding Advisory Committee meeting and option package for nonconforming regulation
May 2, 2003	E-mail update sent to ~ 900 people regarding Advisory Committee meeting and option package for nonconforming regulation
May 6, 2003	Fifth NR 115 Advisory Committee meeting
May 13, 2003	Letter mailed to ~ 40 people and e-mail update sent to ~ 900 regarding the summary information on nonconforming regulation including a definition package and summary PowerPoint presentation
May 28, 2003	Wisconsin Water Law Conference with session to discuss NR 115 Rule Revision Process and update on the Advisory Committee progress
June 10, 2003	Letter mailed to ~ 40 people and e-mail update sent to ~ 900 people regarding Advisory Committee meeting and summary information and option package on shoreland development density and impervious surfaces.
June 17, 2003	Press Release: "Shoreland Advisory Committee Makes Progress Addressing 'Nonconforming' Structures"
June 24, 2003	Sixth NR 115 Advisory Committee meeting
July 24 – August 20, 2003	NR 115 Work Group Meetings: Agriculture, Alternative Development, Forestry/Natural Lands, Recreation Areas, and Urbanized Waters
August 13, 2003	E-mail update sent to ~ 900 regarding the August Advisory Committee

	meeting agenda and summary of workgroup activities
August 26, 2003	Seventh NR 115 Advisory Committee meeting
September 23, 2003	E-mail update sent to ~ 900 regarding Advisory Committee meeting and draft summary document for public listening sessions
October 2003	Wisconsin Natural Resources magazine article: "Life on the Edge"
October 9, 2003	Eighth NR 115 Advisory Committee meeting
October 28, 2003	Press Release: "Listening Sessions Set on Shoreland Protection Rule Proposals" Letter mailed to ~ 55 people and e-mail sent to ~ 900 people regarding the public listening session announcement, listening session brochure and the Advisory Committee preliminary proposal to update NR 115
November 11 – December 11, 2003	Eight listening sessions held in Spooner, Lake Tomahawk, Eau Claire, Onalaska, Grand Chute, Crivitz, Madison, and Waukesha
February 19, 2004	Meeting with Great Lakes Indian Fish and Wildlife Commission (GLIFWC) to give an update on the NR 115 Rule Revision process
March 3 – 4, 2004	Meeting with Northern Region zoning and land conservation staff with session providing an update on the NR 115 Rule Revision process
March 18, 2004	E-mail update sent to ~ 900 regarding the agenda for the March Advisory Committee meeting and summary of listening session comments
March 24, 2003	E-mail update sent to ~ 900 postponing the March Advisory Committee Meeting and rescheduling for May
April 15 – 17, 2004	Wisconsin Lakes Convention with session providing update on the NR 115 Rule Revision process
April 22, 2004	UWEX Local Government Center WisLine Series on Local Land Use Planning and Zoning: "Managing Wisconsin's Shorelands (NR 115 Update)"
May 3, 2004	E-mail update sent to ~1300 people regarding the May 18 NR 115 Advisory Committee meeting with meeting information
May 13, 2004	E-mail update sent to ~1300 people regarding the May 18 NR 115 Advisory Committee meeting with a copy of the first draft of proposed changes
May 18, 2004	Ninth NR 115 Advisory Committee meeting to review first draft of proposed changes
May 25, 2004	Press Release: "Revisions to Shoreland Rules to Take Extra Time"
June 1, 2004	E-mail update sent to ~1300 people regarding the outcome of the May 18 NR 115 Advisory Committee meeting with information on the June 10 NR 115 Advisory Committee meeting
June 10, 2004	Tenth NR 115 Advisory Committee meeting to review continue review of first draft of proposed changes
June 14, 2004	E-mail update sent to ~1300 people regarding the outcome of the June 10 NR 115 Advisory Committee meeting
June 16, 2004	Letter mailed to ~85 people regarding the outcome of listening sessions and future work of the NR 115 Advisory Committee
August 12, 2004	E-mail update sent to ~1300 people regarding August 24 NR 115 Advisory Committee meeting with meeting information
August 18, 2004	E-mail update sent to ~1600 people regarding August 24 NR 115 Advisory Committee meeting with a copy of the second draft of proposed changes
August 24, 2004	Eleventh NR 115 Advisory Committee meeting to review second draft of proposed changes
September 1, 2004	Letter mailed to ~400 people regarding future work of the NR 115 Advisory Committee
September 2, 2004	E-mail update sent to ~1600 people regarding the outcome of the August 24 NR 115 Advisory Committee meeting with information on the October Advisory Committee meeting
September 27, 2004	Wisconsin Corporation Counsel meeting with session providing update on the NR 115 Rule Revision process
October 20, 2004	E-mail update sent to ~1600 people regarding the October 26 NR 115 Advisory Committee meeting with a copy of the third draft of proposed changes

October 20 – 21, 2004	Wisconsin County Code Administrators Fall Conference with session providing update on the NR 115 Rule Revision process
October 22, 2004	First meeting with Wisconsin Association of Campground Owners (WACO) to discuss campground proposals
October 26, 2004	Twelfth NR 115 Advisory Committee meeting to review third draft of proposed changes
November 2, 2004	E-mail update sent to ~1600 people regarding the outcome of the October 26 NR 115 Advisory Committee meeting with a summary information
November 12, 2004	E-mail update sent to ~1600 people regarding the November 16 NR 115 Advisory Committee meeting with a copy of the fourth draft of proposed changes
November 16, 2004	Thirteenth NR 115 Advisory Committee meeting to review fourth draft of proposed changes
December 22, 2004	E-mail update sent to ~1600 people regarding the November 16 NR 115 Advisory Committee meeting with information on a January Advisory Committee meeting
January 4, 2005	E-mail update sent to ~1600 people regarding a January 5 NR 115 Advisory Committee meeting with a copy of the fifth draft of proposed changes
January 5, 2005	Fifth draft of proposed changes distributed to NR 115 Advisory Committee members for review (Members decided against holding a meeting to review fifth draft)
January 28, 2005	Second meeting with Wisconsin Association of Campground Owners (WACO) to discuss campground proposals
February 17, 2005	UWEX Local Government Center WisLine Series on Local Land Use Planning and Zoning: “Managing Wisconsin’s Shorelands (NR 115 Update)”
February 18, 2005	E-mail update sent to ~1600 people regarding January comments received from the NR 115 Advisory Committee on the fifth draft of proposed changes and a summary of the timetable for the process from this point forward.
March 21, 2005	Presentation to the Inter-County Coordinating Committee comprised of Columbia, Dodge, Green Lake, Jefferson and Sauk counties. Membership includes county board members and planning and zoning staff. Discussed Draft 5 and the proposed revisions to NR 115.
April 8, 2005	Wisconsin County Code Administrators Spring Conference with session providing update on the NR 115 Rule Revision process
April 28-30	Lake Home and Cabin Show with presentations on shoreland stewardship and a session providing an update on the NR 115 Rule Revision process. In addition there will be several shoreland displays with information related to the rule revision and how the public can get involved.
April 28 – 30, 2005	Wisconsin Lakes Convention with 3 sessions providing update on the NR 115 Rule Revision process

EA ATTACHEMENT 2

NR 115 ADVISORY COMMITTEE MEMBERSHIP

LOCAL GOVERNMENT REPRESENTATIVES

Wisconsin County Code Administrators

- Mr. Phillip Gaudet, Washington County
- Mr. Karl Kastrosky, Bayfield County
- Ms. Pam Labine, Forest County

County Planning Zoning and Committee Members

- Mr. Neal Nielsen III, Vilas County (resigned May, 2004)
- Ms. Nancy Russell, Walworth County

Municipal Associations

- Mr. Mark O'Connell and Mr. Matthew Stohr, Wisconsin Counties Association
- Mr. Richard Stadelman, Wisconsin Towns Association
- Mr. Roland Tonn, Wisconsin Chapter of American Planning Association

PUBLIC RESOURCE REPRESENTATIVES

- Mr. Elmer Goetsch, Wisconsin Association of Lakes
- Ms. Lori Grant, River Alliance of Wisconsin
- Mr. Paul Mongin, Conservation Congress (resigned May, 2004)
- Mr. William Pielsticker, Trout Unlimited
- Mr. Jim Wise, Environmentally Concerned Citizens of Lakeland Areas, Inc.

RIPARIAN OWNER REPRESENTATIVES

- Mr. Earl Cook, Springbrook
- Mr. Jim Libert, Hartland
- Mr. Chuck Mitchell, Wauwatosa
- Mr. Marc Schultz – Onalaska
- Mr. Jay Verhulst, Arbor Vitae (representing Taxpayers for Fair Zoning)

ACADEMIC REPRESENTATIVES

- Mr. Scott Craven, University of Wisconsin – Madison (wildlife habitat issues)
- Mr. Mike Dresen, University of Stevens Point, Center for Land Use Education (land use issues)
- Mr. Paul McGinley, University of Wisconsin – Stevens Point (water quality issues)

PRIVATE BUSINESS REPRESENTATIVES

- Mr. Miles Benson, Governor's Council on Forestry
- Mr. Jerry Deschane, Wisconsin Builders Association
- Mr. Paul Kent, Riparian Owners and Marine Contractors Association
- Mr. Tom Larson, Wisconsin Realtors Association
- Mr. John Larson, Applied Ecological Services
- Mr. Glenn Schiffmann, Natural Resources Board Appointee
- Mr. Paul Zimmerman, Wisconsin Farm Bureau Federation

Marty Melchoir, Rich Bogovich, and Denny Canneff also served on the Committee for the River Alliance of Wisconsin.

Alternates who served on the Advisory Committee included Tom Onofrey, Marquette County, for Karl Kastrosky; Larry Konopacki for Paul Kent; Carol Nawrocki for Richard Stadelman; and John Kassner for Jerry Deschane.

EA ATTACHEMENT 3

NR 115 WORK GROUP MEMBERSHIP

AGRICULTURE WORK GROUP

- Mr. Keith Foye, Wisconsin Department of Agriculture, Trade and Consumer Protection
- Mr. Dick Gorden, Farmer
- Ms. Cindy Jarvis, Wisconsin Farm Bureau Federation
- Mr. Marty Melchoir, C.F.P., Stream Ecologist, Inter-Fluve, Inc.
- Mr. William Pielsticker, Trout Unlimited (NR 115 Advisory Committee member)
- Mr. Richard Stadelman, Wisconsin Towns Association (NR 115 Advisory Committee member)
- Mr. Paul Zimmerman, Wisconsin Farm Bureau Federation (NR 115 Advisory Committee member)

ALTERNATIVE DEVELOPMENT WORK GROUP

- Mr. Jack Broughton, Bielinski Homes
- Mr. Mike Dresen, University of Stevens Point, Center for Land Use Education (NR 115 Advisory Committee member)
- Mr. Karl Kastrovsky, Bayfield County (NR 115 Advisory Committee member)
- Mr. John Larson, Applied Ecological Services (NR 115 Advisory Committee member)
- Mr. William O'Connor, Wisconsin Association of Lakes

FORESTRY/NATURAL LANDS WORK GROUP

- Mr. Miles Benson, Governor's Council on Forestry (NR 115 Advisory Committee member)
- Mr. Al Barden, Wisconsin Woodland Owners Association
- Mr. Earl Gustafson, Wisconsin Paper Council
- Ms. Pam Labine, Forest County (NR 115 Advisory Committee member)
- Ms. Lynn Markham, University of Stevens Point, Center for Land Use Education
- Ms. Collette Mathews, Wisconsin County Forests Association
- Mr. Matthew Stohr, Wisconsin Counties Association (NR 115 Advisory Committee member)
- Mr. Jim Wise, Environmentally Concerned Citizens of Lakeland Areas, Inc. (NR 115 Advisory Committee member)
- Mr. Darrell Zastrow, Director, Bureau of Forest Sciences, Wisconsin Department of Natural Resources

RECREATION AREAS WORK GROUP

- Mr. Earl Cook, Springbrook (NR 115 Advisory Committee member)
- Mr. Mike Dresen, University of Stevens Point, Center for Land Use Education (NR 115 Advisory Committee member)
- Ms. Kate Fitzgerald, Section Chief, Land Management, Wisconsin Department of Natural Resources
- Mr. Elmer Goetsch, Wisconsin Association of Lakes (NR 115 Advisory Committee member)
- Ms. Dorothy Pasko, Moose Lake Resort/Sawyer County Resort Owners

URBANIZED WATERS WORK GROUP

- Mr. Jeff Christensen, Project Coordinator, Radtke Contractors, Inc.
- Mr. Jerry Deschane, Wisconsin Builders Association (NR 115 Advisory Committee member)
- Mr. Phillip Gaudet, Washington County (NR 115 Advisory Committee member)
- Ms. Kathy Moore, Senior Planner, Waukesha County Planning and Zoning Division
- Cheryl Nenn, Milwaukee River Corridor Director, Friends of Milwaukee's Rivers
- Mr. Roland Tonn, Wisconsin Chapter of American Planning Association (NR 115 Advisory Committee member)

All NR 115 Advisory Committee members were able to provide input on work group issues, even if they did not attend a work group meeting.